

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 29, 2009

DIVISION ONE

B208204 Norwood (Not for Publication)

v.
City of Los Angeles, et al.

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

B207028 California Dermatology Center, Inc., et al. (Not for Publication)

v.
United Healthcare Services, Inc., et al.

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

DIVISION ONE (continued)

B215145 In re Luis Delgado on Habeas Corpus (Not for Publication)

The petition for writ of habeas corpus is granted, and the Board's decision is vacated. The Board is directed to find Delgado suitable for parole unless, within 30 days of the finality of this decision, the Board holds a parole suitability hearing and finds, based on new evidence, that Delgado currently poses an unreasonable risk of danger to society if released on parole.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

B212667 Blue Lagoon Entertainment, et al. (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. The parties are to bear their own costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

B213393 People (Not for Publication)
 v.
 Smith

The order is affirmed.

Mallano, P.J.

We concur: Chaney, J.
 Johnson, J.

September 29, 2009 (Continued)

DIVISION ONE (continued)

B210096 People (Not for Publication)
v.
Saucillo

We vacate that part of the judgment requiring defendant to make restitution to Mercury Insurance Group and direct the trial court to clarify the judgment so that defendant is ordered to make restitution to Lethe Ward. In all other respects, the judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

B204631 Berger, et al. (Not for Publication)
v.
Dobias

The judgment and orders are affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

B207772 Shin (Not for Publication)
v.
Bui, et al.

The judgment is modified by reducing the damages award for past medical expenses for Good Samaritan Hospital by \$4,781.68. As modified, the judgment is affirmed. The parties are to bear their own costs on appeal.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B212995 People v. Hughley (Not for Publication)
B215423 In re Hughley on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is denied. The trial court is directed to issue an amended abstract of judgment reflecting that the authorities for the stayed enhancements for count 2 were Penal Code section 12022.5, not 1022.5, and Penal Code section 12022.7, not 1022.7. We direct the clerk of this court to send a copy of this opinion to the presiding judge of the Los Angeles Superior Court.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

B296953 People (Not for Publication)
 v.
 Martinez

The case is remanded to the trial court to stay execution of the sentences on Counts 4, 5, 6, 8, 9, 10, 11, 14, 15 and 16. The trial court is directed to amend the abstract of judgment consistent with these changes and to forward the amended abstract to the appropriate authorities. The judgment is otherwise affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

DIVISION ONE (continued)

B202934 People v. Chatman (Not for Publication)
B213024 In re Chatman on Habeas Corpus

The Penal Code section 186.22, subdivision (b)(1)(B) enhancements are reversed. In all other respects, the judgment is affirmed. Chatman's request for judicial notice of the appellate record in B202934 is granted. The petition for a writ of habeas corpus is denied as moot.

Mallano, P.J.

I concur: Chaney, J.
I dissent: Miller, J. (Assigned) (Opinion)

B212640 People
 v.
 Garcia

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed November 12, 2008) dismissed.

DIVISION TWO

B211684 People (Not for Publication)
 v.
 Tuipulotu, et al.

Billie's three prior prison term sentences within the meaning of section 667.5, subdivision (b) are reversed, and the judgments are otherwise affirmed. The matter is remanded for retrial of the prior prison term enhancements and correction of Billie's abstract of judgment as is appropriate.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B205547 People (Not for Publication)
v.
Badillo

The judgment is modified to impose a term of 15 years to life for the jury's conviction of second degree murder (count 1). As modified, the judgment is affirmed. The superior court shall direct its clerk to amend the abstract of judgment to reflect this modification. The superior court shall send the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B212713 People (Not for Publication)
v.
Valdez

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

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The denial of the suppression motion is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

September 29, 2009 (Continued)

DIVISION TWO (continued)

B210111 People (Not for Publication)
v.
Franklin

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION THREE

B204686 Krystal Manning, et al. (Not for Publication)
v.
Patricia A. Pinto

The order dismissing plaintiffs' second amended complaint is affirmed. The parties shall bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B204571 People (Certified for Publication)
v.
Shannon Marquis Strider

The judgment is reversed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

September 29, 2009 (Continued)

DIVISION THREE (continued)

B209886 People (Not for Publication)

V.

Manuel Angel Collado

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B206894 RC Royal Development & Realty Corp. (Certified for Partial Publication)

V.

Standard Pacific Corporation

The judgment is reversed. Standard Pacific shall bear the cost of appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B206280 Hernandez, et al. (Not for Publication)

V.

Los Angeles Unified School District,

The verdicts on liability, causation and damages, except the amount of the award for future medical expenses, are affirmed; the judgment is conditionally reversed and the cause is remanded to the trial court with directions to consider the District's motion for new trial with respect to the amount of the award for future medical expenses and to thereafter make such further orders as are necessary and appropriate. The parties shall bear their own costs of appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B211884 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 D.S., et al.

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B214236 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Janita S.

The order is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

B210011 Clinton (Not for Publication)
 v.
 Brenner

The judgment (order of dismissal) is affirmed. The parties are to bear their own costs.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

DIVISION FOUR (continued)

B207398 Pryor (Certified for Publication)
v.
Pryor

The order dismissing Elizabeth's annulment petition is affirmed. Respondent is to have her costs on appeal.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

B207402 Pryor (Certified for Publication)
v.
Pryor

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

B206203 Scheuplein (Not for Publication)
v.
City of West Covina, et al.

The judgment of dismissal and order awarding fees and costs are affirmed. Respondents are awarded their costs and attorney fees on appeal in an amount to be determined by the trial court.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION SIX

B205793 Cook (Certified for Publication)
v.
Cook

The order is affirmed. Respondent shall recover costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Mohr, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B214049 DCFS v. N.J., et al.
B217029 J.B. v. S.C.L.A. (County of L.A.)
B209506 People v. Brownlee
B213054 People v. G.G.
B208790 People v. Harris
B208800 People v. Noone
B212137 People v. White
B215160 DCFS v. J.B.
B208665 People v. Baulajic

Argument waived, cause submitted.

B208998 Bahram Hojabri
v.
Robert J. Abdalla

Merits:
Argued by Mark Brifman for appellant and by Dennis P. Riley for respondent. Cause submitted.

DIVISION EIGHT (continued)

B208734 Christopher Martin
v.
Pacific Specialty Insurance Company

Merits:
Argued by Clay Robbins, III for appellant and by Michelle Burton for respondent. Cause submitted.

B212347 Scott Jacoby
v.
State Farm General Insurance Company

Merits:
Argued by Mitechel J. Ezer for appellant and by Natalie Kouyoumdjian for respondent. Cause submitted.

Flier, J. leaves the bench.

B196896 Stacey Palmer
v.
Carmen Thompson

Merits:
Argued by Stacey Palmer appellant in propria persona and by Mitchel J. Ezer for respondent. In open court the parties were instructed to consider participating in our mediation program. Submission deferred.

Flier, J. returned to the bench.

B215662 Los Angeles County, D.C.F.S.
v.
C.S.,

Merits:
Argued by Karin M. Collins for appellant and by Sarah Vesecky, Deputy County Counsel for respondent. Cause submitted.

Court recesses.

DIVISION EIGHT (continued)

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Mohr, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B211269 People
 v.
 Arthur Lvonne Bonner

Merits:
Argued by Matthew D. Alger for appellant and by Erika D. Jackson,
Deputy Attorney General for respondent. Cause submitted.

Rubin, J. leaves the bench.

B212071 Robert Obeid
 v.
 James Eleopoulos, et al.

Merits:
Argued by Richard Wagner for appellant and by Ronald K. Granit for
respondents. Cause submitted.

B208173 Victor Hernandez
 v.
 Jinni O'Neill Hernandez

Merits:
Argued by Hugh Lipton for appellant and by Ariel Leichter-Maroko for
respondent. Cause submitted.

September 29, 2009 (Continued)

DIVISION EIGHT (continued)

Each of the following:

B207436 Executive Accounts Management, Inc., v. Newcom, Inc.,
B204860 Baker, et al. v. National Interstate Insurance Company
B211777 Carson Harbor Village v. City Of Carson

Oral argument continued to October 29, 2009, at 1:00 p.m.

B207865 Oaktree Capital Management, L.P.
 v.
 Bernard

Oral argument continued to November 23, 2009, at 9:00 a.m.

Court adjourned.